

Leonard Ackerman, Bar No. 171073
KIRBY & McGUINN, A P.C.
600 B Street, Suite 1950
San Diego, CA 92101-4515
Telephone: (619) 525-1652
Facsimile: (619) 685-4004
LAckerman@kirbymac.com

Louis W. Diess, III
McCARRON & DIESS
4900 Massachusetts Ave., N.W., Suite 310
Washington, D.C. 20016
Telephone: (202) 364-0400
Facsimile: (202) 364-2731
ldiess@mccarronlaw.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CHIQUITA FRESH, N.A., L.L.C., et al.

Plaintiffs

v.

SAMMY'S PRODUCE, INC., et al

Defendants

Case No: 08-CV00714 JLS (POR)

**AMENDED APPLICATION FOR
PRELIMINARY INJUNCTION**

Upon the verified affidavit of the representative of the Chiquita Fresh, N.A., LLC ("Chiquita"), and the accompanying memorandum in support, plaintiffs Chiquita and Andrew & Williams Sales Co., Inc. ("A&W") hereby apply to the Court to issue a preliminary injunction under Rule 65(b) of the Federal Rules of Civil Procedure enforcing the statutory trust pursuant to Section 5(c) of the Perishable Agricultural Commodities Act, 7 U.S.C. §499e(c), by restraining the transfer of any and all trust assets of Sammy's

1 Produce, Inc., except for any payment to plaintiffs until there is full payment to plaintiffs of
2 \$125,878.32, pending the final outcome of this action.

3 Dated this 2nd day of May, 2008

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5 KIRBY & McGUINN, A P.C.

6 By: s/ Leonard J. Ackerman
7 Attorneys for Plaintiff
8 Email: lackerman@kirbymac.com
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